

## REMARKS

Applicant respectfully traverses the § 102(b) rejection of claim 27 over Flom '349 and the § 103(a) rejection of claim 19 over Flom in view of McMillen '634 and L'Esperance '466. Rejection of claims 22 and 29 are moot in view of the cancellation of those claims.

The present invention, as set forth, e.g., in claims 19, 27, and new claim 30 relates to an ophthalmic surgery system performing a technique for ensuring accuracy of the source of measurement data or surgical data in which the measurement data for refractive correction or the surgical data for refractive correction generated based on the measurement data is assigned in association with the identification code based on the iris pattern, collectively managed, and outputted to the refractive correction surgery apparatus. The present invention ensures accuracy of the source of measurement data or surgical data. An iris pattern is extracted from a photographed image of an anterior segment of the eye, a first identification code is assigned, and this code is compared to a second identification code assigned when the eye anterior segment is again photographed and the iris pattern extracted. The eye is positioned before surgery by a refractive correction surgery apparatus. The identification codes are compared and checked, and only when both patterns match, is surgery permitted, based on the transmitted surgical data generated based on the measurement data, or generation is permitted of surgical data based on transmitted measurement data.

Flom discloses a technique for judging a person's identity by judging identity of an iris image, and permitting only the identified person to perform a certain action. Flom does not disclose or suggest at least an ophthalmic surgery system comprising an

ophthalmic measurement apparatus having all of the features recited in the present claims for sending signals to a surgical apparatus. Flom, therefore, cannot anticipate claim 27 under § 102(b), nor suggest claim 19 under § 103(a).

McMillen discloses a method for controlling a laser surgery system used to ablate a cornea by selective irradiation based on a patient's data stored on a data card. The card includes name, photograph, and fingerprints of the patient, along with pre-op and post-op data, system control data, and patient monitoring data. The data card acts as a patient's chart. The monitoring information does not ensure accuracy of the source of the patient data or the control data. Patient identity is performed visually and there is no disclosure of assigning an identification code based on an iris pattern extracted from a photographed anterior segment of the eye, and comparing it to another identification code obtained the same way prior to allowing surgery.

L'Esperance discloses refractive correction surgery apparatus that recognizes the surgery through a memory card. Col. 8, lines 10-14. It does not recognize data about the patient. L'Esperance neither discloses nor suggests permitting surgery based on the patient's transmitted surgical data based on measurement data, or any of the other features of the present claims.

In none of the cited references is an anterior segment of the patient's eye photographed, an iris pattern, unique to the patient, extracted, an identification code assigned, refractive correction determined, the anterior segment photographed a second time, a second identification code assigned, and the two identification codes compared, with surgery being permitted after it is determined that the two identification

codes match. Flom, L'Esperance, and McMillen, viewed alone, or in any possible combination, therefore, cannot teach or suggest the present invention as set forth in the amended claims 19 or 27, or in the new claim 30.

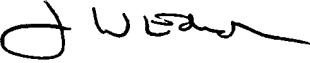
Applicant therefore respectfully requests reconsideration, withdrawal of the rejections, and allowance of claims 19, 27, and 30.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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